

First Extraordinary Session, 2005

HOUSE BILL NO. 156

BY REPRESENTATIVES ALARIO, DEWITT, DORSEY, HAMMETT, AND SALTER
AND SENATORS HEITMEIER, HINES, AND MOUNT

APPROPRIATIONS/SUPPLEML: Supplemental appropriations and reductions in
appropriations for Fiscal Year 2005-2006 (Item #30)

1 AN ACT

2 To appropriate funds and to make and otherwise provide for certain reductions in
3 appropriations from certain sources to be allocated to designated agencies and
4 purposes in specific amounts for the making of supplemental appropriations and
5 reductions for said agencies and purposes for the 2005-2006 Fiscal Year; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1.A. The commissioner of administration is authorized and directed to
9 reduce the State General Fund (Direct) appropriations contained in Act 16 of the 2005
10 Regular Session of the Legislature for the following agencies in the following amounts:

11 (1) **Executive Department**

12 01-100 Executive Office - Louisiana Indigent Defense Assistance Board by
13 \$99,835.

14 01-107 Division of Administration - Executive Administration Program by
15 \$290,219.

16 01-112 Military Affairs - Military Affairs Program by \$500,000.

17 01-114 Office of Women's Policy - Administrative Program by \$27,073.

18 01-129 Louisiana Commission on Law Enforcement and the Administration
19 of Criminal Justice - State Program by \$232,303.

20 (2) **Elected Officials**

21 04-139 Secretary of State - Elections Program by \$227,771.

22 04-146 Office of Lieutenant Governor - Administrative Program by \$11,782.

- 1 04-147 State Treasurer - Office of Treasury by \$7,124.
- 2 04-160 Department of Agriculture and Forestry by \$210,098.
- 3 **(3) Department of Culture, Recreation and Tourism**
- 4 06- Department of Culture, Recreation and Tourism by \$320,444.
- 5 **(4) Department of Public Safety and Corrections**
- 6 08- Corrections Services by \$2,200,729 and sixty-two (62) positions.
- 7 **(5) Department of Health and Hospitals**
- 8 09-306 Medical Vendor Payments - Private Providers Program by
9 \$25,000,000.
- 10 09-306 Medical Vendor Payments - Private Providers Program by \$350,000.
- 11 09-306 Medical Vendor Payments - Private Providers Program by \$129,179.
- 12 09-306 Medical Vendor Payments - Uncompensated Care Costs Program by
13 \$7,243,165, provided, however such reduction shall not be applicable
14 to payments to rural hospital providers.
- 15 09-326 Office of Public Health - Personal Health Services Program by
16 \$750,000.
- 17 **(6) Department of Social Services**
- 18 10-355 Office of Family Support - Client Services Program by \$882,102.
- 19 10-370 Office of Community Services - Child Welfare Services Program by
20 \$294,709.
- 21 10-374 Louisiana Rehabilitation Services - Vocational Rehabilitation
22 Services Program by \$2,177,521.
- 23 **(7) Department of Natural Resources**
- 24 11-431 Office of the Secretary - Management and Finance Program by
25 \$26,942 and Atchafalaya Basin Program by \$42,812.
- 26 11-432 Office of Conservation by \$22,052.
- 27 **(8) Department of Environmental Quality**
- 28 13-855 Office of Management and Finance - Support Services Program by
29 \$35,869.
- 30 **(9) Special Schools and Commissions**
- 31 19-661 Louisiana Office of Student Financial Assistance - TOPS Tuition
32 Program by \$350,000.
- 33 19-673 New Orleans Center for Creative Arts by \$1,384,000.

1 **(10) Department of Education**

2 19-681 Subgrantee Assistance by \$1,000,000.

3 19-695 Minimum Foundation Program by \$40,000,000.

4 19-697 Nonpublic Educational Assistance - Required Services by \$802,431
5 and Transportation Program by \$560,889.

6 **(11) Other Requirements**

7 20-451 Sheriffs' Housing of State Inmates by \$10,000,000.

8 Section 1.B. The commissioner of administration is authorized and directed to
9 reduce the State General Fund by Fees and Self-generated Revenue appropriations contained
10 in Act 16 of the 2005 Regular Session of the Legislature for the following agencies in the
11 following amounts:

12 **Elected Officials**

13 04-165 Commissioner of Insurance - Marketing Program by \$1,902,005.

14 Section 1.C. The commissioner of administration is authorized and directed to
15 reduce the Federal Funds appropriations contained in Act 16 of the 2005 Regular Session
16 of the Legislature for the following agencies in the following amounts:

17 **(1) Department of Health and Hospitals**

18 09-306 Medical Vendor Payments - Private Providers Program by
19 \$58,612,040.

20 09-306 Medical Vendor Payments - Uncompensated Care Costs Program by
21 \$16,732,885, provided, however such reduction shall not be
22 applicable to payments to rural hospital providers.

23 **(2) Department of Social Services**

24 10-355 Office of Family Support - Client Services Program by \$2,163,830.

25 10-370 Office of Community Services - Child Welfare Services Program by
26 \$126,304.

27 10-374 Louisiana Rehabilitation Services - Vocational Rehabilitation
28 Services Program by \$8,045,582.

29 Section 1.D. The commissioner of administration is authorized and directed to
30 reduce the State General Fund by Statutory Dedications appropriations contained in Act 16
31 of the 2005 Regular Session of the Legislature for the following agencies in the following
32 amounts:

1 **Elected Officials**

2 04-147 State Treasurer - Office of Treasury out of the Louisiana Quality
3 Education Support Fund by \$544,415.

4 Section 2.A. The commissioner of administration is authorized and directed to
5 reduce the State General Fund (Direct) appropriations contained in Act 16 of the 2005
6 Regular Session of the Legislature for the following agencies of the state and for public and
7 quasi-public entities or agencies other than the state, whether subject to or exempted from
8 Section 18(B) of that Act, which are either unexpended or unencumbered or are not required
9 to satisfy any outstanding unsettled claims in the following amounts, provided that the
10 commissioner is authorized to satisfy such unsettled claims from such amounts and is further
11 authorized to reduce the amount of any reduction as provided in this Section in order to
12 accomplish such settlement:

13 **(1) Executive Department**

14 01-100 Executive Office - Urban Affairs by \$6,798,660.

15 **(2) Elected Officials**

16 04-141 Office of the Attorney General
17 Provided, however, that the commissioner of administration is hereby
18 authorized and directed to adjust the means of finance for this agency
19 as contained in Act 16 of the 2005 Regular Session of the Legislature
20 by reducing the appropriation out of the State General Fund (Direct)
21 for the Legal Services Corporation by \$392,560.

22 **(3) Other Requirements**

23 20-950 Residual carryforward balance from payments on judgments against
24 the state for Fiscal Year 2004-2005 by \$3,858,461.

25 20-XXX Rural Development Fund - State General Fund (Direct) appropriation
26 by \$4,063,716.

27 Section 2.B. The commissioner of administration is authorized and directed to
28 reduce the State General Fund by Statutory Dedications appropriations contained in Act 16
29 of the 2005 Regular Session of the Legislature for the following agencies of the state and for
30 public and quasi-public entities or agencies other than the state, whether subject to or
31 exempted from Section 18(B) of that Act, which are either unexpended or unencumbered or
32 are not required to satisfy any outstanding unsettled claims in the following amounts,
33 provided that the commissioner is authorized to satisfy such unsettled claims from such

1 amounts and is further authorized to reduce the amount of any reduction as provided in this
2 Section in order to accomplish such settlement:

3 **(1) Elected Officials**

4 04-147 State Treasurer out of the Incentive Fund by \$3,800,000.

5 **(2) Higher Education**

6 19-600 Louisiana State University Board of Supervisors out of the Fireman's
7 Training Fund by \$275,000.

8 19-615 Southern University Board of Supervisors out of the Southern
9 University Agricultural Program Fund by \$712,500.

10 19-649 Louisiana Community and Technical College Board of Supervisors
11 out of the Higher Education Initiatives Fund by \$200,000.

12 Section 2.C. The balances for line item appropriations contained in Act 16 of the
13 2005 Regular Session of the Legislature for the state and for public and quasi-public entities
14 or agencies other than the state, whether subject to or exempted from Section 18(B) of that
15 Act, which are either unexpended or unencumbered or are not required to satisfy any
16 outstanding unsettled claims shall be null, void, and of no effect on the effective date of this
17 Act, provided that the commissioner is authorized to satisfy such unsettled claims from such
18 amounts:

19 **(1) Executive Department**

20 01-133 Elderly Affairs - \$1,364,500.

21 **(2) Elected Officials**

22 04-146 Office of the Lieutenant Governor - \$23,750.

23 **(3) Department of Economic Development**

24 05-252 Office of Business Development - \$3,637,031.

25 **(4) Department of Culture, Recreation and Tourism**

26 06-264 Office of State Parks - \$175,000.

27 06-265 Office of Cultural Development - \$236,250.

28 06-267 Office of Tourism - \$524,750.

29 **(5) Department of Transportation and Development**

30 07-273 Administration - \$403,750.

31 07-276 Engineering and Operations - \$323,000.

1 **(6) Department of Public Safety and Corrections**

2 08-420 Office of Motor Vehicles - \$14,995.

3 **(7) Department of Health and Hospitals**

4 09-307 Office of the Secretary - \$340,000.

5 09-326 Office of Public Health - \$500,000.

6 09-330 Office of Mental Health - \$75,000.

7 **(8) Department of Social Services**

8 10-370 Office of Community Services - \$75,000.

9 **(9) Department of Natural Resources**

10 11-431 Office of the Secretary - \$14,000.

11 **(10) Department of Labor**

12 14-474 Office of Workforce Development - \$131,250.

13 **(11) Department of Wildlife and Fisheries**

14 16-514 Office of Fisheries - \$142,500.

15 **(12) Higher Education**

16 19-600 Louisiana State University Board of Supervisors - \$2,324,344.

17 19-615 Southern University Board of Supervisors - \$100,000.

18 19-671 Board of Regents - \$889,375.

19 19-649 Louisiana Community and Technical College Board of Supervisors -
20 \$114,000.

21 **(13) Other Requirements**

22 20-930 Higher Education - Debt Service and Maintenance - \$150,000.

23 20-945 State Aid to Local Government Entities - \$15,845,272.

24 Section 3.A. The commissioner of administration is hereby authorized and directed
25 to adjust the means of finance for 01-112 Department of Military Affairs contained in Act
26 16 of the 2005 Regular Session of the Legislature by transferring \$550,000 in appropriations
27 from the State General Fund (Direct) from the Military Affairs Program to the Office of
28 Emergency Preparedness Program. The Table of Organization for the Office of Emergency
29 Preparedness Program is increased by thirty (30) positions.

30 Section 3.B. The commissioner of administration is hereby authorized and directed
31 to adjust the means of finance for 09-306 Medical Vendor Payments - Private Providers

1 Program contained in Act 16 of the 2005 Regular Session of the Legislature by increasing
2 the appropriation from State General Fund by Statutory Dedications out of the Health
3 Excellence Fund by \$350,000 and increasing the appropriations from State General Fund by
4 Statutory Dedications out of the Louisiana Fund by \$129,179.

5 Section 3.C. The commissioner of administration is hereby authorized and directed
6 to adjust the means of finance for 19-661 Louisiana Office of Student Financial Assistance
7 contained in Act 16 of the 2005 Regular Session of the Legislature by increasing the
8 appropriation from State General Fund by Statutory Dedications out of the TOPS Fund by
9 \$350,000.

10 Section 4.A. The sum of One Hundred Eighty-nine Million Three Hundred Thirty-
11 nine Thousand and No/100 (\$189,339,000.00) Dollars is hereby appropriated from
12 nonrecurring revenues out of the General Fund of the state of Louisiana for Fiscal Year
13 2004-2005 as designated by the Revenue Estimating Conference for deposit in and credit to
14 the Budget Stabilization Fund. Provided, that the state treasurer is authorized and directed
15 to promptly classify and deposit into the Budget Stabilization Fund or State General Fund
16 all revenues which are received as a result of the production of or exploration for minerals,
17 including severance taxes, royalty payments, bonus payments, or rentals as such revenues
18 are specified in Article VII, Section 10.3 of the Constitution of Louisiana.

19 Section 4.B. The sum of Seven Million Two Hundred Thousand and No/100
20 (\$7,200,000.00) Dollars is hereby appropriated from the State General Fund from Fees and
21 Self-generated Revenues from prior year collections of license fees collected from the
22 International Registration Plan pursuant to R.S. 47:511 for deposit in and credit to the
23 Budget Stabilization Fund.

24 Section 4.C. The sum of Ten Million and No/100 (\$10,000,000.00) Dollars is hereby
25 appropriated out of the State General Fund by Statutory Dedications from the Higher
26 Education Initiatives Fund for Fiscal Year 2005-2006 to the Board of Regents, 19-671, for
27 the provision of performance incentives in support of institutional efforts to achieve the
28 goals and objectives of the Master Plan for Postsecondary Education and for continued
29 growth and development of community and technical colleges and learning centers. Such
30 monies shall be allocated by the Board of Regents, which shall submit the proposed

1 allocation of same to the Commissioner of Administration for approval, and thereafter to the
2 Joint Legislative Committee on the Budget for review, amendment, and final approval or
3 rejection prior to any distribution of funds. Further, in the determination of the amount of
4 each institution's allocation, the existence of other appropriations in this fiscal year for the
5 benefit of a specific institution shall not be a factor in the determination of that institution's
6 allocation from monies appropriated herein. The appropriation contained in this Subsection
7 shall supersede any existing appropriations from the Higher Education Initiatives Fund to
8 the Board of Regents for purposes of provision of performance incentives in support of
9 institutional efforts to achieve the goals and objectives of the Master Plan for Postsecondary
10 Education and for continued growth and development of community and technical colleges
11 and learning centers, which existing appropriations shall be null, void, and of no effect on
12 the effective date of this Act.

13 Section 4.D. The sum of Eight Hundred Eighty-four Thousand and No/100
14 (\$884,000.00) Dollars is hereby appropriated for Fiscal Year 2005-2006 from the State
15 General Fund (Direct) to 19-653 Special Schools and Commissions - School for the Deaf to
16 be used for operations.

17 Section 5. The sum of One Million Two Hundred Forty-seven Thousand Three
18 Hundred Nineteen and No/100 (\$1,247,319.00) Dollars is hereby appropriated from the State
19 General Fund by Interagency Transfers, be it more or less estimated, to 20-XXX FUNDS
20 for deposit into the Rural Development Fund. Provided, however the amount of such
21 appropriation shall be limited to the extent that the Federal Emergency Management Agency
22 reimburses the Office of Emergency Preparedness for costs incurred by the Office of Rural
23 Development.

24 Notwithstanding any provision of law to the contrary, the commissioner of
25 administration is hereby authorized and directed to reduce the State General Fund (Direct)
26 appropriated to the Rural Development Fund for Fiscal Year 2005-2006 by \$1,247,319, be
27 it more or less estimated, to the extent the Federal Emergency Management Agency
28 reimburses Office of Emergency Preparedness for costs incurred by the Office of Rural
29 Development.

1 Section 6. The limitation of the expenditure of funds by the various agencies in the
2 executive branch of government (the "spending freeze") contained in Executive Order No.
3 KBB 2005-38 and the reduction of expenditures contained in Executive Order No. KBB
4 2005-82 made pursuant to the provisions of Article IV, Section 5(G)(2) of the Constitution
5 of Louisiana and Section 10 of Act 16 of the 2005 Regular Session of the Legislature are
6 hereby ratified and confirmed.

7 Section 7. Notwithstanding any provision of law to the contrary, the state treasurer
8 is hereby authorized and directed to transfer to the State General Fund (Direct) the amounts
9 of any reduction in State General Fund by Fees and Self-generated Revenues, Statutory
10 Dedications, or Interagency Transfers reduced as provided in this Act and by Executive
11 Orders KBB 2005-38 and 2005-82.

12 Section 8. Notwithstanding any provision of law to the contrary, each office, agency,
13 and department in the executive branch of state government shall abolish by ten percent the
14 number of the combined positions of undersecretary, deputy secretary, assistant secretary,
15 deputy commissioner, assistant commissioner, or any other similar position regardless of
16 title, provided, however that at least one of such position shall be abolished. Notwithstanding
17 the provisions of Section 7 of this Act, the savings generated by the abolishment of the
18 positions as directed in this Section shall remain in the budget of the office, agency, or
19 department in which such position was abolished to help offset the cuts realized by that
20 office, agency, or department made pursuant to this Act or executive order of the governor.
21 The positions which are abolished shall only be re-established and funded upon legislative
22 authorization.

23 Section 9. The legislature hereby recognizes the intention of the House of
24 Representatives thereof as represented by the Honorable Joe R. Salter, Speaker, to reduce
25 its expenditures during Fiscal Year 2005-2006 so as to produce a savings to the state of
26 Louisiana of one million dollars.

27 Section 10. The legislature hereby recognizes the intention of the Judicial Branch
28 as represented by the Honorable Catherine D. Kimball, Justice of the Supreme Court, to
29 reduce the expenses of the judiciary during Fiscal Year 2005-2006 so as to produce a savings
30 to the state of Louisiana of one million nine hundred thousand dollars.

1 Section 11. There is hereby established a special fund within the state treasury to be
2 known as the "Louisiana Housing Relief Fund", hereinafter the "fund". Monies in the fund
3 may be appropriated to the Louisiana Housing Finance Agency for purposes of creating a
4 housing program to provide decent, safe affordable housing in the areas affected by
5 Hurricanes Katrina and Rita. Monies in the fund shall be invested by the state treasurer in
6 the same manner as those in the state general fund, and earnings on investment shall be
7 deposited into the fund. The Louisiana Housing Finance Agency from its surplus fund shall
8 transfer to the state for deposit into the fund the sum of thirty-five million dollars or so much
9 thereof as may be available.

10 Section 12. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Alario

HB No. 156

Abstract: Supplemental appropriations and reductions to appropriations for Fiscal Year 2005-2006.

Appropriates supplemental funding and provides for certain reductions for the ordinary operating expenses of state government for Fiscal Year 2005-2006.

Effective upon signature of governor or lapse of time for gubernatorial action.